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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,135	02/21/2002	Hans Eberle	004-6999	9143
42714	7590	05/07/2007		
SUN MICROSYSTEMS, INC. ATTN: TIMOTHY SCHULTE ONE STORAGETEK DRIVE, MS 4309 LOUISVILLE, CO 80028-4309				
			EXAMINER	
			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			05/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/080,135	Applicant(s) EBERLE ET AL.	
	Examiner Clemence Han	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/20/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 14-20, 22-31, 34-36, 39, 40, 42, 43 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-20, 22-31, 34-36, 39, 40, 42, 43 and 45-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: "arbitration cycles" in line 5 should be removed (see claim 27 for the similar limitation). Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-9, 11, 12, 14-20, 22-31, 34-36, 39, 40, 42, 43 and 45-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claim 1, 4, 8, 9, 11, 12 and 51, the phrase "allocating a first of the resources speculatively", for example claim 1 line 3, renders the claim indefinite because it is unclear what "speculatively" means within the structure of the claim.
5. Regarding claim 1, 4, 8, 9, 11, 12 and 51, the phrase "allocating a first of the resources speculatively to one of the users for use during an access interval, absent a request for the first resource from the one of the users", for example claim 1 line 3-4, renders the claim indefinite because it is unclear whether the resource is allocated to a user when that specific user has not requested for the resource or the resource is allocated to a user when no user has not requested for the resource.

6. Regarding claim 1, the phrase "at least one user" in line 8 renders the claim indefinite because it is unclear whether it is the same as "one of the users" in line 3 or not.
7. Claim 15 recites the limitation "the one resource" in line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Regarding claim 17, 46, 48 and 50, the phrase "grants more than one resource, ..., to the one of the users, thereby allowing for a multicast operations" in line 1-3 renders the claim indefinite because it is unclear how granting more resources to a single user can allow multicast operations.
9. Regarding claim 18, the phrase "allowing resources to selectively accept information" in line 2-3 renders the claim indefinite because it is unclear how resource can accept information.
10. Regarding claim 22, 28 and 34, the phrase "speculatively allocate a resource", for example claim 22 line 4, renders the claim indefinite because it is unclear what "speculatively" means within the structure of the claim.
11. Regarding claim 22, 28 and 34, the phrase "speculatively allocate a resource to one of the users for use during an access interval, absent a request from the one of the users for the resource", for example claim 22 line 4-5, renders the claim indefinite because it is unclear whether the resource is allocated to a user when that specific user has not requested for the resource or the resource is allocated to a user when no user has not requested for the resource.

12. Regarding claim 22, the phrase "one or more user" in line 6 renders the claim indefinite because it is unclear whether it is the same as "one of the users" in line 4 or not.

13. Claim 24 recites the limitation "the at least one resource" in line 1. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 25 recites the limitation "the at least one resource" in line 1. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 25 recites the limitation "the one resource" in line 3. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 28 recites the limitation "the at least one resource" in line 6. There is insufficient antecedent basis for this limitation in the claim.

17. Regarding claim 28, the phrase "at least one resource" in line 7 and 8 renders the claim indefinite because it is unclear whether it is the same as "at least one resource" in line 6 or not.

18. Claim 29 recites the limitation "the at least one resource" in line 1. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 30 recites the limitation "the at least one resource" in line 1. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 34 recites the limitation "the at least one resource" in line 6. There is insufficient antecedent basis for this limitation in the claim.

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21. Regarding claim 34, the phrase "grants more than one resource, ..., to the one of the users, thereby allowing for multicast operations" in line 6-7 renders the claim indefinite because it is unclear how granting more resources to a single user can allow multicast operations.

22. Claim 39 recites the limitation "the at least one resource" in line 7. There is insufficient antecedent basis for this limitation in the claim.

23. Claim 43 recites the limitation "the second group of requests" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

24. Applicant's arguments with respect to claim 1-9, 11, 12, 14-20, 22-31, 34-36, 39, 40, 42, 43 and 45-51 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

25. Claim 1, 4, 8, 9, 11, 12, 22, 28, 34, 39, 43 and 51 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

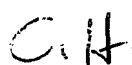
26. Claim 2, 3, 5-7, 14-20, 23-31, 35, 36, 40, 42 and 45-50 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Clemence Han
Examiner
Art Unit 2616


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